



HOUSE OF COMMONS
LIBRARY

BRIEFING PAPER

Number 07147, 7 September 2016

School admissions in England: state-funded schools

By Nerys Roberts

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

Inside:

1. Background to school admissions in England and the legal framework
2. Applying for a school place in the normal round
3. How admission authorities rank applicants
4. Parents unhappy with offered school place
5. Statistics on school place offers for 2016/17
6. Schools Adjudicator report

Contents

Summary	3
1. Background to school admissions in England and the legal framework	4
1.1 Admission authorities and statutory admissions framework	4
Application of school admissions codes to academies and free schools	4
1.2 Determining admission arrangements	5
2. Applying for a school place in the normal round	6
2.1 School starting age in England	7
Summer born children starting school	7
Deferring a reception place, or attending part-time initially	7
2.2 How far in advance do parents have to apply for a place?	8
2.3 Guidance for parents and carers on school admission process	8
2.4 Selecting schools: naming preferred schools on the application form	8
Myths about naming more than one school on the application form	9
Nominating schools in other local authority areas	9
2.5 When a child has two addresses because of shared care	9
2.6 Moving into the area after the application deadline	9
2.7 School places for children returning or arriving from abroad	10
2.8 Obtaining a school place dishonestly	10
3. How admission authorities rank applicants	12
3.1 Children automatically receiving the highest priority	12
Children with a statement of special educational needs or an Education, Health and Care Plan (EHCP)	12
3.2 Commonly-used oversubscription criteria	13
3.3 Selection by aptitude	13
3.4 Faith-based oversubscription criteria	13
3.5 What criteria cannot be used to rank applicants?	14
3.6 Catchment areas	14
3.7 In-year applications	15
Fair access protocols	15
4. Parents unhappy with offered school place	16
4.1 Joining and remaining on waiting lists for schools	16
4.2 School admission appeals	16
Infant class size appeals	17
4.3 Further avenues of complaint	17
4.4 The 'infant class size' rule	18
5. Statistics on school place offers for 2016/17	19
6. Schools Adjudicator report	20

Contributing Authors:

Paul Bolton, Social and General Statistics, Section 5

Summary

This note provides information on admission to mainstream state-funded schools in England. Different arrangements apply in Scotland, Northern Ireland and Wales. It covers the legislative framework, school application processes in general terms, and some common questions.

School starting age

Children in England can take up a full-time school place in a reception class in the September following their fourth birthday, but there is no requirement for them to be in full-time education until the start of the school term following their fifth birthday.

Many children start secondary school in the September following their eleventh birthday, but in some areas state-funded schooling is arranged differently, with intakes and transfers at different ages.

Selecting schools

Parents and carers in England can express preferences for particular schools; there's no absolute right to choose a particular school, but if a school is undersubscribed – i.e., has fewer applicants than there are places available – any child that applies must usually be offered a place.

No automatic allocation of school places

School places are not automatically allocated in England, even when children are attending an attached pre-school or 'feeder' school, or have older siblings already attending school. Parents or carers need to apply for a place.

Options for parents who don't get the school place they wanted

Parents who are refused a place at a particular school have a right to appeal. Other options include remaining on waiting lists, joining the waiting lists of schools not originally applied for, or arranging other provision – e.g., home schooling.

Support and information for parents

Local authorities, voluntary agencies and charities can provide advice and guidance to parents about applying for state-funded schools.

There can be differences in admission processes and the criteria used from school to school and area to area; this note is intended as a general guide only and parents should consult their home local authority for local information.

1. Background to school admissions in England and the legal framework

1.1 Admission authorities and statutory admissions framework

The admission authority is responsible for determining and applying a school's admissions policy. The table below summarises which body is the admission authority for different types of school:

Type of school	Admission authority
Academy or free school	Academy trust
Maintained community or voluntary controlled schools	Usually the local authority
Maintained voluntary aided, maintained foundation and trust schools	Governing body

Admission authorities for maintained mainstream schools are required to have regard to the statutory school admissions code and school admissions appeals code, published by the Department for Education (DfE):

- DfE, [School Admissions Code](#), December 2014 version
- DfE, [School Admissions Appeals Code](#), February 2012 version.¹

The codes are underpinned by Part 3 of the *School Standards and Framework Act 1998* as amended, the *School Admission (Admissions Arrangements and Co-ordinated Admissions Arrangements) (England) Regulations 2012* (SI 2012/ 0008) as amended, and the *School Admissions (Appeal Arrangements) (England) Regulations 2012* (SI 2012/0009) as amended.

Application of school admissions codes to academies and free schools

Academies and free schools operate independently of local authorities. They are generally required to abide by the School Admissions Code and School Admissions Appeals Code via clauses in their funding agreements with the Secretary of State. The Secretary of State has the

¹ DfE, [School Admissions Code](#), December 2014; DfE, [School Admissions Appeals Code](#), February 2012. All web addresses last accessed 11 January 2015 unless otherwise stated.

power to vary an academy or free school's admissions requirements where necessary.

1.2 Determining admission arrangements

For entry in September 2017, admissions authorities were required to determine their admissions arrangements by 28 February 2016. The arrangements must state how many children in the relevant age group a particular school intends to admit (the 'published admission number', or PAN) and how applicants will be prioritised where there are more applicants than places. The criteria used to prioritise applicants are known as 'oversubscription criteria'.

Oversubscription criteria: the criteria for prioritising and deciding between applications when there are more applicants than places available at a particular school.

Where an admission authority wishes to vary its admissions criteria from the previous year, it must undertake a consultation on the proposed changes. A consultation is not required for proposed increases to a school's PAN or where admission arrangements are being changed in order to comply with the admissions code. Even where no changes are proposed, admission authorities must consult on their admissions arrangements once every seven years as a minimum. The Government has said that it intends to reduce the maximum interval between consultations, and require one at least every four years.²

The Office of the Schools Adjudicator decides on objections to determined admission arrangements of all state-funded schools and also on applications to vary determined admission arrangements for maintained schools.³ Further Information is available on the [Office of the Schools Adjudicator website](#). The Government announced in January 2016 that it intended to change the rules on who can object to school admission arrangements:

The Government [...] is taking further action to simplify the school admission system and ensure it works for parents by:

- unclogging the admissions system by stopping objections to a school or local authority's admissions arrangements from outside the local area - this means only local parents will have a say on admissions and helps local authorities to ensure they are fair
- stopping vexatious complaints against faith schools from secularist campaign groups [...].⁴

The British Humanist Association (BHA), the National Secular Society and the Fair Admissions Campaign have all raised concerns about the proposed reforms.^{5,6,7}

² See DfE press notice, '[Parents to get greater say in the school admissions process](#)', 25 Jan 2016

³ DfE, School Admissions Code, December 2014, Section 3 and glossary.

⁴ *Ibid.*

⁵ British Humanist Association press notice, '[Department for Education acknowledges 87% of objections to school admissions labelled 'vexatious' by Education Secretary were upheld by adjudicator](#)', 26 February 2016

⁶ National Secular Society press notice, '[Government announces clampdown on complaints about faith school admissions code violations](#)', 25 January 2016

⁷ Fair Admissions Campaign press notice, '[Government moves to ban organisations from exposing law-breaking schools unfairly restricting access to children and parents](#)', 25 January 2016.

2. Applying for a school place in the normal round

Box 1: Starting and changing schools in England

- In England, children are able to join reception class in the autumn term following their fourth birthday.
- There is no requirement for children to attend school, but if they don't they must receive a suitable full-time education somewhere else (for example, at home) once they're of compulsory school age.
- Children commonly transfer to secondary school in the September following their eleventh birthday.
- In some areas, transitions take place at different ages – e.g., in areas with first, middle and upper schools.
- Independent schools often work to a different admissions timetable and children may transfer at different points to those in state-funded schools.

School places are not automatically allocated once a child reaches a certain age. Parents or carers must apply on their behalf.

For admission at normal points of entry (for example, entry into the first year of infant/ primary or secondary school) parents apply to their home local authority. Some free schools in their first year of operation may choose to run their own admission process and as such, parents seeking a place at these schools may additionally need to apply directly to the free school in question (as well as completing their LA's common application form).

2.1 School starting age in England

Children in England are entitled to a full-time school place from the September term following their fourth birthday. The table below shows when children in England can start school full-time:

Birthday between	Would usually start school
1 Sept 2011 and 31 Aug 2012 incl.	September 2016
1 Sept 2012 and 31 Aug 2013 incl.	September 2017
1 Sept 2013 and 31 Aug 2014 incl.	September 2018
1 Sept 2014 and 31 Aug 2015 incl.	September 2019

Children do not have to start full-time education (whether in a school or via home education) until they reach compulsory school age. Children reach this age on the prescribed day following their fifth birthday, or on their fifth birthday where this falls on a prescribed day. The prescribed days are:

- 31 December
- 31 March
- 31 August

Summer born children starting school

The admissions code currently allows parents to request that their children are admitted 'outside their usual age group' – i.e., to the year above or below the one they would usually be expected to join, given their date of birth. However, currently there is no duty admission authorities to comply with such requests.

A separate Library briefing paper looks at the rules on admission to school of summer born children (i.e., those born between 1 April and 31 August inclusive) and Government commitments to strengthen parents' rights to request their summer born child starts reception a year later than they would usually – i.e., once they have turned five years old rather than soon after they have turned four:

- [Commons' Library briefing paper, Summer born children: starting school, 1 Dec 2015](#)

Deferring a reception place, or attending part-time initially

In line with the admissions code, parents can defer the date their child starts in the allocated reception class until either:

- The beginning of the summer term in the case of 'summer born' children with birthdays between 1 April and 31 August inclusive
- For all other children, the beginning of the term following their fifth birthday.

The school's permission is not required to defer a place in this way, but parents should make an admission application in the usual way, by the deadline.

Parents of children below compulsory school age can also decide that their child will attend school part-time until they reach compulsory school age.

2.2 How far in advance do parents have to apply for a place?

There are national closing dates for normal round applications for entry to reception and secondary schools. Some exceptions may apply to the below dates – and parents and carers need to double-check local arrangements:

- For entry to primary or infant school reception class in September 2016, parents were required to apply for a place by 15 January 2016.
- For entry into secondary schools in September 2016, parents were required to apply for a place by 31 October 2015.

2.3 Guidance for parents and carers on school admission process

Local authorities are required to provide guidance to parents and carers on the admissions process. Often, this guidance will include information on how school places were allocated in previous years – e.g., how many places were allocated on the basis of faith (for faith schools) or how far the furthest child offered on the grounds of home-to-school distance lived from the school.

Historical data on admissions needs to be treated with caution. School intakes can vary significantly from year to year, depending on a wide range of factors – for example, the number of siblings applying or whether the admissions criteria have changed.

2.4 Selecting schools: naming preferred schools on the application form

The local authority's common application form (or online admissions application) must allow parents to nominate a minimum of three schools, in order of preference. Admission authorities must comply with parental preferences where this is reasonable but not if all places are already taken by children ranking more highly against the school's oversubscription criteria. As such, there is a right to express a

preferences for a school or schools, as opposed to an absolute right to choose a school, unless the school in question is undersubscribed.

Myths about naming more than one school on the application form

Nominating only one school on the application form does not increase the chances of being offered a place at that school. In this situation, if all places at the only nominated school are filled by children who rank more highly against the school's oversubscription criteria, then the applicant would usually be offered another school of the local authority's choosing.

Similarly, there is no disadvantage in naming more than one school on the application form. Application forms are blind and the School Admissions Code expressly prohibits admission authorities from "[giving] extra priority to children whose parents rank preferred schools in a particular order" (para 1.9 of the Code).

Nominating schools in other local authority areas

On the application form, parents can nominate any mainstream school which has an intake of children at the appropriate age; they are not restricted to schools within their home LA, nor their catchment school or schools. In practice, the likelihood of getting a place will depend on whether the chosen school is oversubscribed or not and what oversubscription criteria apply to school in question.

Parents seeking a place at a state school in another LA area during the normal admission round usually apply via their home LA, and not the LA where their preferred school is located.

2.5 When a child has two addresses because of shared care

Constituents sometimes approach Members with queries about which address to include on application forms when parents have shared care and a child lives for part of each week with each parent. Different admission authorities use different criteria to determine a child's address, so written confirmation needs to be sought from the local authority on which to use.

2.6 Moving into the area after the application deadline

There are also sometimes issues when a family moves house after the cut-off date for on-time applications, or moves soon before the application deadline. Again, parents or carers need to seek written clarification from the relevant local authority about which address to include in the application, and what proof will be needed that the address being used is the child's primary residence.

2.7 School places for children returning or arriving from abroad

There are special provisions in the admissions code relating to children of crown servants returning from overseas and children of serving members of the armed forces with a confirmed new posting. For families in this situation, the admissions code requires admission authorities to provide school places in advance of arriving in the area, providing certain documentary evidence is supplied. The DfE has published a supplementary explanatory note on school admission for children of crown servants.⁸

The Department for Education (DfE) website provides the following information on children from overseas:

In most cases, children arriving from overseas have the right to attend state-funded schools in England.

When you deal with an application for a child who is not a UK national, you must comply with the School Admissions Code. You must not refuse a school place simply because of doubts about the child's immigration status. The following children are not entitled to a state education:

- Children from non-European Economic Area (EEA) countries who are here as short-term visitors - these are children who live abroad but have been admitted to the UK for a short visit (for example as tourists or to visit relatives), and not to study
- Children from non-EEA countries who have permission to study in the UK - these children are allowed to study in England on the basis that they attend an independent, fee-paying school

If you find that children belonging to either of these categories are attending a state-funded school, you must not deny them a place. Instead, you should alert the Home Office's school referrals team so they can investigate further. [...] ⁹

Parents in any doubt about whether their child's immigration status precludes access to state-funded education need to seek independent legal advice on their individual circumstances.

2.8 Obtaining a school place dishonestly

Where an admission authority believes that a place may have been obtained dishonestly – e.g., by inappropriately using the address of a relative rather than the child's actual home address - then it may decide to undertake an investigation.

Where an admission authority determines that a place has been obtained "fraudulently" (para 2.13), the admissions code allows for the place to be withdrawn even when the child has started school, but the length of time a child has been at the school will be a likely factor when deciding whether taking such action would be reasonable. The

⁸ DfE, [Admission of children of crown servants. Explanatory note](#) September 2015.

⁹ DfE, [School admissions: applications from overseas children](#), updated 1 December 2014.

11 School admissions in England: state-funded schools

admissions code suggests that “it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.”¹⁰

¹⁰ DfE, *School Admissions Code*, Dec 2014, Para 2.13

3. How admission authorities rank applicants

Where a school is under-subscribed, any child applying for a place during the normal admission round must usually be offered one. This does not apply in the case of designated grammar schools (or academies that were previously designated grammar schools) which are allowed to refuse a place if a child does not meet the required standard.

Where a school is oversubscribed (i.e., has more applicants than places available) the school's admission authority must rank applications against its published oversubscription criteria.

The oversubscription criteria used must be "reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation" (para 1.8 of the admissions code).

3.1 Children automatically receiving the highest priority

The admissions code provides that, for non-selective, non-faith schools, all children in the following two categories must always be given the highest priority in oversubscription criteria:

- Looked after children
- Previously looked after children, who have left care via adoption, the granting of a special guardianship order (SGO) or a child arrangements order (CAO).

Where a school designated with a religious character (a 'faith' school) is proposing to offer some priority to children on the basis of faith, it must prioritise looked after and previously looked after children of the faith ahead of other children of the faith.

The rules in relation to the admission of looked after children to selective or partially selective schools are complicated. More guidance on this issue can be found in paras 1.19, 1.20 and 1.23 of the admissions code.

Children with a statement of special educational needs or an Education, Health and Care Plan (EHCP)

The admissions code (December 2014) states:

The admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school must be admitted.¹¹

¹¹ DfE, School Admissions Code, December 2014, para. 1.6, Pp. 9 - 10

3.2 Commonly-used oversubscription criteria

The admissions criteria does not provide a definitive list of acceptable oversubscription criteria that can be used by admission authorities. However, it does offer guidance on the most commonly used criteria. These include:

- siblings of pupils at the school
- distance between home and school
- faith-based criteria (in the case of 'faith' schools)
- catchment areas
- feeder primary or junior schools
- social or medical need

3.3 Selection by aptitude

Where a school selects the whole of its intake, or a proportion of its intake, on the basis of ability or aptitude, then the child may need to sit selection tests in addition to the parents completing the common application form. Admission authorities can supply details of any selection tests, and how to register for them.

3.4 Faith-based oversubscription criteria

Where oversubscribed, schools designated with a religious character ('faith' schools) are allowed to use faith-based oversubscription criteria to give higher priority to children of the faith than children of other faiths or of no faith. Where they do so, they must give highest priority to children of the faith who are looked after (in care) or who were previously looked after, as defined in the admissions code.

Where there are fewer applicants than places (i.e., a school is undersubscribed) all applicants must be given a place without reference to faith; schools cannot refuse a place solely on the basis that a child is not of the relevant (or any) faith.

Parents or carers applying to schools with a religious character (and, occasionally, other types of school) may be required to submit a Supplementary Information Form (SIF) which asks for additional information relevant to the school's oversubscription criteria.

Any new academy¹² or free school with a religious character is required to admit, as a minimum, 50 per cent of their pupils without reference to faith in cases where there are more applicants than places available – i.e., where a school is oversubscribed.¹³

¹² I.e. not convertors from the maintained or independent sectors, or sponsored academies with a predecessor maintained school.

¹³ DfE, School Admissions Code, Dec 2014, paragraphs 1.36 to 1.38 and in particular see footnote 30.

3.5 What criteria cannot be used to rank applicants?

Admission authorities are responsible for determining their own admission criteria, but the admissions code sets out certain things that they must not do. These include (but are not limited to):

- Having arrangements that directly or indirectly disadvantage children from particular social or racial groups, or children with disabilities or special educational needs.
- Using any other criteria other than those clearly stated in published admissions criteria when ranking applicants (i.e., using 'discretion' to admit a child who'd not otherwise qualify for a place).
- Taking into account previous schools attended unless this is a named feeder school.
- Taking into account the rank of parental preferences – i.e., giving a child lower priority simply because the parent had named the school third rather than first on the application form.
- Giving preference based on parents' practical or financial support for the school or a related body, including a religious organisation (aside from particular free schools that can give some priority to children of founders).
- Except in the case of the children of staff and those who would qualify for the pupil premium or service premium,¹⁴ giving priority to children on the basis of parents' income, occupation, marital or financial status.
- Interviewing parents or children.¹⁵

3.6 Catchment areas

Some areas and schools operate a system of catchment areas, sometimes referred to as priority admission areas. Admissions criteria can give some priority to children living within catchment where a school is oversubscribed, but a place cannot be refused solely because a child does not live in the school's catchment area.

Although many schools with catchment areas are able to admit all catchment children who apply, this is not always the case and some may use additional criteria to prioritise applicants. Therefore, a child can be within catchment but not be offered a place.

Catchment areas must be drawn up in ways that are reasonable and clearly defined (para 1.14 of the Code). If an admission authority is considering changing its catchment area, then this requires a statutory consultation.

In some cases, the term catchment area is used in a colloquial sense to describe a school's intake area in previous years – i.e., the 'cut off'

¹⁴ The Pupil Premium is funding given to schools to support disadvantaged and service children.

¹⁵ There are exceptions for state boarding schools, which may interview children to determine their suitability for boarding, and for entry into the sixth form where a meeting may take place to discuss course options and academic entry requirements. The meeting, however, cannot "form part of the decision-making process on whether to offer a place" (para. 1.9 of the Code).

distance for school place offers made on national offer day. This can be confusing because the school in question may not in fact have a formal catchment or priority intake area. Again, parents who are unclear whether a school has a formal catchment area can consult their local authority or the school's admission authority (where different) for advice.

3.7 In-year applications

Parents who want their child to change schools or join a school outside the normal application round (e.g., in the middle of a school year, or at a point when children don't routinely join the school) will usually be required to make an in-year application.

In some areas, the local authority co-ordinates in-year applications for all schools, including own-admission authority schools, but there is no statutory requirement for them to do so. In some cases, parents may be required to apply directly to the school in question.

Parents seeking in-year places for their children can contact the local authority for advice to find out what the arrangements are locally, and which schools may have vacancies.

Fair access protocols

Each local authority must have a fair access protocol, which must be agreed with the majority of schools in the local area. The protocol sets out how a school place should be found for children, particularly vulnerable ones, who have not been able to obtain a place through the usual in-year admissions processes.

Fair access protocols are intended to ensure that such children are offered a suitable place as quickly as possible. Protocols must cover, as a minimum:

- children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- children who have been out of education for two months or more;
- children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- children who are homeless;
- children with unsupportive family backgrounds for whom a place has not been sought;
- children who are carers; and
- children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).¹⁶

¹⁶ DfE, School Admissions Code, December 2014, para. 3.15, Pp. 30

4. Parents unhappy with offered school place

Where the LA is unable to offer a place at any of the schools a parent nominates on the application form, it may allocate the child in question a place at another school with spare capacity. This could be at a school some distance from the child's home; information on home-to-school transport and when this must be arranged can be found in Section 6 of a separate [Library briefing paper, Constituency casework: schools, updated 29 October 2015](#).

Rejecting an offered place does not usually make it more likely that a place will be found in a preferred school. Once an offer has been made, the LA is usually considered to have discharged its statutory duty to arrange a school place.

Occasionally, an LA may be unable to offer any place at all on national offer day. In these cases parents may wish to seek independent advice from a specialist organisation on how best to proceed. Organisations that might be able to assist include:

- [Citizen's Advice](#)
- [ACE Education](#)
- [Coram Children's Legal Centre](#)

Parents who are not offered a place at their preferred school have a number of options open to them. Some of these are outlined below.

4.1 Joining and remaining on waiting lists for schools

All admission authorities are required to maintain a waiting list for at least the first term of the school year. Applicants can contact the local authority to enquire whether their child has been automatically placed on the continuing interest or waiting lists for the schools they would like their children to attend.

Waiting lists are kept in order of the school's admission oversubscription criteria, not according to the date the child's name was added to the list, and so a child's position on a waiting list may go down as well as up – for example if a child who ranks more highly against the oversubscription criteria joins the list.

4.2 School admission appeals

Parents who are unhappy with the decision to refuse their child a place at a particular school can appeal to an appeal panel. The appeal is for a place at a school that has declined them a place, not against the place allocated.

There are special arrangements for some appeals about admission to infant classes (years reception, year one and year two) – see section 4.3 below.

In non- 'infant class size' appeals, appeal panel must consider whether the admission arrangements complied with the requirements of the admissions code, and whether the admission arrangements were correctly and impartially applied. The panel must also decide whether admission of additional children would prejudice the provision of efficient education or efficient use of resources. An appeal panel's decision that a child should be admitted is binding on the school's admission authority.

Parents who decide to appeal may wish to obtain tailored individual advice. The following may be useful initial background for parents or carers considering this route:

- ACE Education website article, '[Disappointed with the school place offered to your child?](#)' (undated)
- Gov.uk website article, '[School admissions – appealing a school's decision](#)' (updated 8 Jan 2016)

Statutory guidance on the appeal process is contained in the DfE's School Admissions Appeals Code.¹⁷

Infant class size appeals

Section 4 of the admissions appeals code deals with infant class size appeals – that is, appeals about admission to reception, year one or year two classes where the admission of extra children would breach the statutory class size maximum of thirty pupils per teacher.

Panels considering infant class size appeals can only consider:

- The legality of the admissions arrangements.
- Whether a mistake has been made in the particular case.
- Whether the decision to refuse a place was unreasonable. The bar for this test is high.

4.3 Further avenues of complaint

Section 5 of the school admissions code describes possible further avenues for complaint following an appeal in certain circumstances.

Where there is evidence that a school place has been refused because of some unfairness or mistake by the admission authority or a school admissions appeal has been handled incorrectly, the Local Government Ombudsman (LGO) or the Education Funding Agency (EFA) may be able to consider a complaint. The LGO can only consider complaints about admission to community, foundation, voluntary aided, voluntary controlled or nursery school or convertor academies where the conversion took place during the admissions process. Complaints relating to other academies and free schools are handled by the EFA.

This is not another level of appeal and the LGO or EFA cannot question decisions if they were taken properly and fairly by the admission authority or the appeal panel. The [LGO website article on complaining about school admissions, updated 4 February 2015](#) provides information about making complaints in relation to school admissions. Information

¹⁷ DfE, School Admissions Appeals Code, February 2012

on complaining to the EFA about an academy appeal can be found in a [‘Gov.uk article, ‘Schools admissions’, updated 2 Feb 2016’](#).

4.4 The ‘infant class size’ rule

The *School Admissions (Infant Class Sizes) England Regulations 2012*,¹⁸ limit maintained school infant classes (i.e. classes in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher. However, there are exceptions to the general rule, and these are set out in paragraph 2.15 of the School Admissions Code. ‘Excepted pupils’ can be admitted if they fall into one of the following categories:

- children admitted outside the normal admissions round with statements of special educational needs or Education, Health and Care Plans specifying a school;
- looked after children and previously looked after children admitted outside the normal admissions round;
- children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process; d) children admitted after an independent appeals panel upholds an appeal;
- children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- children of UK service personnel admitted outside the normal admissions round;
- children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.¹⁹

There are no statutory maximum class sizes for children in year three or above.

¹⁸ SI 2012/0010, made under S 1 of the *School Standards and Framework Act 1998*, as amended.

¹⁹ DfE, School Admissions Code, December 2014, para 2.15, Pp. 23-24

5. Statistics on school place offers for 2016/17

[Official data](#) on the success of applications for places in September 2016 show that just over 640,000 were received for 710,000 primary places in England. Overall 88.4% of applicants received a place at their first choice school, 96.3% at one of their top three preferences and 96.9% at any preferred school. Local authority application schemes varied across the country allowing a maximum of between three and six preferences to be stated. Locally the proportion of applicants who were offered one of their top three preferences varied from 85% in Kensington and Chelsea to 100% in the City of London and just under 100% in Hartlepool. 'Success' rates were generally lower in London and some of the Home Counties.

At secondary level there were 550,000 applications for around 610,000 places. 84.1% received a place at their first choice, 95.0% at one of their top three and 96.5% at any preferred school. Again local authorities allowed applicants to list a maximum of between three and six preferences. The geographical pattern of success was similar to that at primary level although there were more examples of local authorities where fewer than 90% received a places at one of their top three preferences. The overall rates for both inner and outer London were just below 90%. Hammersmith and Fulham had the lowest rate at 75% and 16% of applicants from the borough did not get a place at any of their preferred schools.

2016/17 was only the third year that primary application and offer data has been produced by the Department for Education. The headline findings have shown a small increase in the proportion of applicants receiving an offer of a place at either their first or one of their first three preferences. This was alongside a 3% increase in applications since 2014/15. At secondary level there has been a decline in the proportion of applicants receiving a place at one of their top three preferences from 96.5% in 2013/14 to 95.0% in 2015/16 and 2016/17. Before then there had been a gradual increase in this rate from 94.0% in 2008/09. Applications for secondary places have increased by almost 10% since 2013/14.²⁰

²⁰ Source: DfE, [Secondary and primary school applications and offers: 2016](#), published 14 June 2016

6. Schools Adjudicator report

On 17 December, the Chief Schools Adjudicator for England, Dr. Elizabeth Passmore, published her annual report on school admissions for the period September 2014 to August 2015.²¹ Among other things, she drew attention to some admissions authorities' failure to comply with consultation duties and the complexity of many own-admission authority schools' admission arrangement.

The report's key findings were as follows:

- Main finding 1. There has been some progress in complying with the Code on consultation about and determination and publication of admission arrangements, but too many schools that are their own admission authority do not comply fully with what are relatively modest requirements. [...]
- Main finding 2. The arrangements for admission to the sixth form still frequently contravene the Code. There continue to be misunderstandings about the general requirements that apply to admissions to the sixth form. [...]
- Main finding 3. The admission arrangements for many schools that are their own admission authority are unnecessarily complex and lack transparency, especially those with numerous subcategories within individual oversubscription criteria. Such arrangements are difficult to understand and limit parents' ability to assess the chance of their child being offered a place. [...]
- Main finding 4. The guidance provided for schools designated as having a religious character by the body or person representing the religion or religious denomination is of variable availability and quality. Some guidance is clear, up to date and takes full account of the Code, but much is not. [...]
- Main finding 5. The Code provides for any person or body to make an objection. Local authorities and dioceses have acted responsibly in objecting to the arrangements for some schools in their areas. Although there are some matters on which an objection cannot be made, there have been instances of pressure groups and individuals making use of the provision to object when it appears to be more about trying to influence a policy matter than concern about the arrangements of a school for which parents might legitimately be considering applying for a place for their child. [...]
- Main finding 6. The reports for local authorities raise some important matters, for example, concerning the provision of a school place for looked after children outside their home area; the problems created by late applications; and concerns about the in-year admissions process. [...]²²

²¹ Office of the Schools Adjudicator, [Annual Report September 2014 to August 2015](#), 17 December 2015.

²² *Ibid*, Pps. 8 to 10.

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer - This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).